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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,654	11/18/2003	Koji Takekoshi	03500.017720.	2523
5514 7590 03/27/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER CHU, RANDOLPH I				
ART UNIT 2624		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/714,654

**Applicant(s)**

TAKEKOSHI ET AL.

**Examiner**

RANDOLPH CHU

**Art Unit**

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3/12/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5, 6, 9-12, 15 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-3, 5, 6, 9-12, 15 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Response to Amendment**

In response to applicant's amendment received on 3/12/2007, all requested changes to the claims have been entered.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### **Response to Argument**

Applicant's argue on pages 8-9 of the response that the disclosure of Jajubowski et al. has nothing to do with inputting an image reading report which is set to no observation.

The Examiner disagree. Jajubowski et al. teaches setting the flag when current time is outside a selected elapsed time range from a represented previous current time in the same composite report. One in the ordinary skilled in the art would use this concept to setting a flag when there is no image reading report for certain time range and they can determine absence of image reading report later.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 6 recites the limitation "set to no observation instead of the input device" in line 8. It is not clear what it means.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 9 and 10 are rejected under 35 USC 103(a) as being unpatentable over Toshimitsu et al. (US 6,434,569) in view of Konno et al. (US 5,752,030).

With respect to claim 1, Toshimitsu et al. teaches,

a monitor for displaying a medical image (Fig 2, ref. label 26);  
an input device for inputting an image reading report corresponding to the medical image displayed on the monitor (Fig 2, ref. label 32);

Toshimitsu et al. does not teach a processor configured to process a control of judging presence or absence of the image reading report corresponding to the medical image displayed on said monitor and restricting a change of displaying the medical image, in case the image reading report is judged absent.

Konno et al. teaches a conditional relation result that determine whether a job is completed or not and waiting for another job until completion of the job. (col. 6 lines 44-61).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to restricting change (waiting) of image when report of image is not done in the system of Toshimitsu et al.

The suggestion/motivation for doing so would have been that to make sure images are processed by restricting change of image until completion of image process operation.

Therefore, it would have been obvious to combine Konno et al. with Toshimitsu et al. to obtain the invention as specified in claim 1.

With respect to claim 2, Konno et al. teaches judges presence or absence of the image reading report corresponding to the medical image displayed on the monitor

when the medical image displayed on the monitor is changed (whether a job is completed or not) (col. 6 lines 44-61).

With respect to claim 9, please refer to rejection for claim 1.

With respect to claim 10, please refer to rejection for claim 2.

3. Claims 3 and 12 are rejected under 35 USC 103(a) as being unpatentable over Toshimitsu et al. (US 6,434,569) in view of Konno et al. (US 5,752,030) and further view of Thirsk (US 2002/0099569).

With respect to claim 3, With respect to claim 5, Konno et al. and Toshimitsu et al. teach all the limitations of claim 1 as applied above from which claim 3 respectively depend.

Toshimitsu et al. and Konno et al. does not teach processor requests the input of an image reading report, in case the image reading report is judged absent by judging means.

Thirsk teaches requesting reveiw of an image reading report, in case the image reading report need by certain condition. [0034].

At the time of the invention it would have been obvious to a person of ordinary skill in the art to request reveiw of an image reading report, in case the image reading report need by certain condition in the system of Toshimitsu et al. and Konno et al.

The suggestion/motivation for doing so would have been that to make sure all images are completely diagnosed by request image reading report.

Therefore, it would have been obvious to combine Thirsk with Toshimitsu et al. and Konno et al.. to obtain the invention as specified in claim 3.

With respect to claim 12, please refer to rejection for claim 3.

4. Claim 5 is rejected under 35 USC 103(a) as being unpatentable over Toshimitsu et al. (US 6,434,569), Konno et al. (US 5,752,030) and Thirsk (US 2002/0099569) in further view of Taniguchi et al. (2003/0055317).

With respect to claim 5, Thirsk, Konno et al. and Toshimitsu et al. teach all the limitations of claim 3 as applied above from which claim 5 respectively depend.

Thirsk, Konno et al. and Toshimitsu et al. does not teach expressly that measures a time elapsing from the display of the medical image on the monitor and judges presence or absence of an image reading report corresponding to the displayed medical image when the measured time exceeds a predetermined time.

Taniguchi et al. teaches determining condition of displayed image based one time elapse and predetermined time (para. [0707]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to determining condition of displayed image based one time elapse and predetermined time in the system of Thirsk, Konno et al. and Toshimitsu et al.

The suggestion/motivation for doing so would have been that predetermined time can be set so that system can take next action.

Therefore, it would have been obvious to combine Taniguchi et al. with Thirsk, Konno et al. and Toshimitsu et al. to obtain the invention as specified in claim 5.

5. Claims 6, 15 and 18 are rejected under 35 USC 103(a) as being unpatentable over Toshimitsu et al. (US 6,434,569) in view of Konno et al. (US 5,752,030)) and Jajubowski et al. (US 2004/0062421).

With respect to claim 6, Toshimitsu et al. teaches,  
a monitor for displaying a medical image (Fig 2, ref. label 26);  
an input device for inputting an image reading report corresponding to the medical image displayed on the monitor (Fig 2, ref. label 32);

Toshimitsu et al. does not teach a processor configured to process a control of judging presence or absence of the image reading report corresponding to the displayed image and inputting an image reading report which is set to no observation, in case a predetermined time is elapse

Konno et al. teaches a conditional relation result that determine whether a job is completed or not (col. 6 lines 44-61).

Jajubowski et al. teach generating an report which is set a warning flag, in case a predetermined time is elapse (para [0051]).



At the time of the invention it would have been obvious to a person of ordinary skill in the art to generate image reading report, in case a predetermined time is elapse in the system of Toshimitsu et al.

The suggestion/motivation for doing so would have been that to generate default report when unexpectedly long time elapses which means no report from user.

Therefore, it would have been obvious to combine Konno et al. and Jajubowski et al. with Toshimitsu et al. to obtain the invention as specified in claim 6.

With respect to claim 15, please refer to rejection for claim 6.

With respect to claim 18, Toshimitsu et al. teaches the image reading report inputted by the inputting step includes a name of the reading doctor (col. 5 line 59).

6. Claim 11 is rejected under 35 USC 103(a) as being unpatentable over Toshimitsu et al. (US 6,434,569) in view of Konno et al. (US 5,752,030) in further view of Taniguchi et al. (2003/0055317).

Thirsk and Konno et al. teach all the limitations of claim 3 as applied above from which claim 9 respectively depend.

Thirsk and Konno et al. does not teach expressly that measures a time elapsing from the display of the medical image on the monitor and judges presence or absence of an image reading report corresponding to the displayed medical image when the measured time exceeds a predetermined time.

Taniguchi et al. teaches determining condition of displayed image based one time elapse and predetermined time (para. [0707]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to determining condition of displayed image based one time elapse and predetermined time in the system of Thirsk and Konno et al.

The suggestion/motivation for doing so would have been that predetermined time can be set so that system can take next action.

Therefore, it would have been obvious to combine Taniguchi et al. with Thirsk and Konno et al. to obtain the invention as specified in claim 11.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randolph Chu whose telephone number is 571-270-1145. The examiner can normally be reached on Monday to Thursday from 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/RIC/

/Matthew C Bella/

Supervisory Patent Examiner, Art Unit 2624